

REMARKS

Claims 1-11 and 13-23 are presently pending in the application, of which Claims 1, 13, 18, and 22 are in independent form.

Claim Objection

Claim 12 was objected to due to an informality in the claim status identifier.

By this Response the informality to claims 12 has been corrected, and withdrawal of the objection is requested.

Rejections Under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

Claims 1-10 and 13-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0043065 (*Beckanich I*).

Claims 11 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the hypothetical combination of *Beckanich I* and U.S. Patent Publication No. 2004/0209595 (*Beckanich II*).

As described in further detail below, applicant submits that claim 1 of the present application is not taught or suggested by *Beckanich I or Beckanich II*, either alone, or in combination, at least because claim 1 recites a method whereby "**communication costs** for said usage are attributable to the at least one matter **and personal services time** for said usage is attributable to the at least one matter." Thus, by way of the claimed invention, both 1) communication costs (i.e., telephone usage charges) **and** 2) personal services time (i.e., billable hour time of the user) are associated with a matter. In other words, the claimed method tracks two separate types of costs, 1) communication costs (i.e., telephone usage

charges) and 2) personal services time (i.e., billable hour time of the user). Both of the two separate types of costs are then associated with a matter.

In stark contrast, the sections of *Beckanich I* referenced in the office action all describe a system for tracking only personal services time (i.e., billable hour time of the user). None of the sections referenced in the office action describe a system that also and separately tracks communication costs (i.e., telephone usage charges). While *Beckanich I* does describe keeping displaying the call time length of billable and non-billable calls, *Beckanich I* does not teach or suggest tracking two separate types of costs, 1) communication costs (i.e., telephone usage charges) and 2) personal services time (i.e., billable hour time of the user). Displaying the length of a call, as described in *Beckanich I* is very different from separately tracking communication costs and personal service time, as recited by claim 1, as displaying a call time is very different from tracking a communication cost. *Beckanich II* does not cure the deficiencies of *Beckanich I*.

Thus, claim 1 recites, *inter alia*, a "method for capturing information related to usage of a wireless handheld device and attributing said usage to at least one of a plurality of matters." The method comprises the step of "transmitting said captured call record information and said timing of said usage from said wireless handheld device to a database so that *communication costs for said usage are attributable to the at least one matter* and *personal services time for said usage is attributable to the at least one matter*, wherein the at least one matter relates to communication with or on behalf of at least one client."

Therefore, beneficially, as described in the abstract of the present application as published (*see US 2005/0043010 A1*), by way of the claimed invention, "communication costs

and professional services associated with a handheld device may be recovered." (emphasis added). The claimed invention provides for a method wherein "call record information is matched to a matter in the central database so that costs for the airtime usage are attributable to the matter. Additionally, the professional services associated with the airtime usage is also attributable to the matter." *Id.* at paragraph [0010].

Bekanich I describes a system whereby professional time is tracked and billed (*see Bekanich I* at FIG. 5 and paragraph [0058]). *Bekanich I* does not describe tracking communication costs, let alone the combination recited by amended claim 1 of the present application whereby "*communication costs for said usage are attributable to the at least one matter and personal services time for said usage is attributable to the at least one matter.*"

Beckanich II does not make up for the deficiencies of *Beckanich I*. *Beckanich II* describes an apparatus and method for monitoring the time usage of a wireless communication device, but does not describe, either taken alone, or in combination with *Beckanich I*, a system or method whereby "*communication costs for said usage are attributable to the at least one matter and personal services time for said usage is attributable to the at least one matter,*" as recited by amended claim 1 of the present application.

Independent claims 13, 18 and 22, while different in form and scope to claim 1, recite features similar to those of claim 1, and each of claims 2-11 and 14-17 and 19-21 and 23 depend from one of claims 1, 13, 18 and 22.

Accordingly, applicant submits that claims 2-11 and 13-23 are patentable over any combination of *Beckanich I* and *Beckanich II* for the reasons discussed above with respect to the patentability of claim 1.

Thus, applicant submits that neither *Beckanich I* nor *Beckanich II*, either taken alone or in the hypothetical combination proposed by the Examiner, teaches, suggests, or provides motivation for the claimed invention, and withdrawal of the rejections to the claims is requested.

CONCLUSION

Applicant's undersigned attorney may be reached by telephone at (973) 597-2500.

All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

Date: 4 October 2007

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